IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Revision No.550 of 2003
Date of Decision : September 06, 2010

Sukhbir Singh ....Petitioner

Versus

State of Punjab .....Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. H.S. Gill, Senior Advocate with
Mr. Manuj Nagar, Advocate

Mr. P.S. Sidhu, Additional Advocate General, Punjab.

T.P.S. MANN, J. (Oral)

The petitioner was tried for offences under Sections 326, 324 and 323 IPC for causing injuries to Hardial Singh PW2 on 8.10.1998 at about 11.45 A.M. Vide judgment and order dated 26.3.2002, learned Judicial Magistrate 1st Class, Phillaur convicted him for the aforementioned offences and sentenced him as under :-

(i) For offence under Section 326 IPC, the petitioner was ordered to undergo rigorous imprisonment for three years and to pay a fine of Rs.500/- and in default of payment of fine, to undergo further rigorous imprisonment for one month;

(ii) For offence under Section 324 IPC, the petitioner was ordered to undergo rigorous imprisonment for one year and to pay a fine of Rs.300/- and in default of payment of fine

to undergo further rigorous imprisonment for 20 days; and

(iii) For offence under Section 323 IPC, the petitioner was ordered to undergo rigorous imprisonment for six months and to pay a fine of Rs.200/- and in default of payment of fine, to undergo further rigorous imprisonment for 15 days.

All the sentences were ordered to run concurrently.

Aggrieved of his conviction and sentence, the petitioner filed an appeal. Vide judgment dated 10.2.2003, learned Additional Sessions Judge, Jalandhar upheld the conviction of the petitioner for the aforementioned offences but reduced his sentence of imprisonment under Section 326 IPC from rigorous imprisonment for three years to rigorous imprisonment for two years, whereas the fine for the said offence was enhanced from Rs.500/- to Rs.1,000/- and in default of payment of fine, he was ordered to undergo rigorous imprisonment for one month. The sentences of imprisonment and fine imposed upon the petitioner by the trial Court for the offences under Sections 324 and 323 IPC were maintained.

Learned counsel for the petitioner expressed his helplessness in challenging the conviction of the petitioner for the aforementioned offences in view of the overwhelming evidence brought on record by the prosecution. However, he has submitted that the

petitioner has been facing the agony of criminal prosecution for the last about 12 years. The petitioner was not attributed causing of an injury on the vital part of the injured. Even the injury on the left lower leg, which was declared grievous in nature, resulted in a superficial bone cut. The petitioner has remained in jail as a convict for a period of more than three and half months. Apart from that, he also remained in jail as an under trial for a period of about three weeks. Therefore, the substantive sentences of the petitioner be reduced to that already undergone by him.

Learned State counsel has submitted that the petitioner had used a sharp edged weapon in inflicting injuries upon Hardial Singh PW2 and one of the injuries received by him was declared grievous in nature. Therefore, the petitioner does not deserve any leniency in the matter of sentence. However, he has placed on record the custody certificate, as per which the petitioner has undergone an actual period of 4 months and 11 days in jail out of the sentence of two years imposed upon him.

After hearing learned counsel for the parties and keeping in view the facts and circumstances of the case, the Court is of the view that no useful purpose would be served by sending the petitioner behind the bars once again for undergoing his remaining sentence of imprisonment. Ends of justice would be suitably met if the substantive sentence of the petitioner is reduced to that already undergone by him.

Resultantly, the conviction of the petitioner for the offences under Sections 326, 324 and 323 IPC is maintained. However, his substantive sentences of imprisonment for all the offences are reduced to that already undergone by him. The fine of Rs.1,000/- imposed upon the petitioner for the offence under Section 326 IPC is enhanced to Rs.5,000/-, which be deposited with the trial Court within three months, failing which he shall be required to undergo rigorous imprisonment for three months. The sentences of fine imposed upon the petitioner for offences under Sections 324 and 323 IPC, alongwith their default clauses, are maintained. Out of the fine imposed upon the petitioner, an amount of Rs.4,000/- be disbursed to injured Hardial Singh as compensation.

The revision is, accordingly, disposed of.

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(T.P.S. MANN)
JUDGE

September 06, 2010
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